

## Section 4(f) of the 1966 DOT Act

### *Section 4(f) Evaluations*

In the case of a complex Section 4(f) involvement, it is desirable to include the analysis in a separate section of the draft EIS, EA, or for projects processed as CE's, in a separate document. A Section 4(f) evaluation should be prepared for each location within the project where the use of Section 4(f) land is being considered.

#### Draft Evaluation Format:

1. Describe proposed action (if separate document).
2. Describe Section 4(f) resource.
3. Impacts upon resources (by alternative).
4. Avoidance alternatives and their impacts.
5. Measures to minimize harm.
6. Coordination with appropriate agencies.
7. Concluding statement (final document only).

#### Draft Evaluation Content:

1. A brief description of the project and need for the project (when the Section 4(f) evaluation is circulated separately).
2. A detailed map or drawing of sufficient scale to identify essential elements of the highway/Section 4(f) land involvement.
3. Size (acres or square feet) and location (maps or other exhibits such as photographs, sketches, etc.) of the involvement.
4. Type of property (recreation, historic, etc.).
5. Function of or available activities at the property (fishing, swimming, golfing, etc.).
6. Description and location of all existing and planned facilities (ball diamonds, tennis courts, etc.).
7. Usage (approximate number of users/visitors, etc.).
8. Relationship to other similarly used lands in the vicinity.
9. Access (pedestrian and vehicular).
10. Ownership (city, county, State, etc.).
11. Applicable clauses affecting the title, such as covenants, restrictions, or conditions, including forfeiture.
12. Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).
13. The location (using maps or other exhibits such as photographs or sketches) and the amount of land (acres or square feet to be used by the proposed project including permanent and temporary easements).
14. The probable increase or decrease in environmental impacts (noise, air pollution, visual, etc.) of the alternative locations and designs considered on the Section 4(f) land users.

15. A description of all reasonable and practicable measures which are available to minimize the impacts of the proposed action on the Section 4(f) property. Discussions of alternatives in the draft EIS or EA may be referenced rather than repeated.
16. Sufficient information to evaluate all alternatives which would avoid the Section 4(f) property. Discussions of alternatives in the draft EIS or EA may be referenced rather than repeated. However, this section should include discussions of design alternatives (to avoid Section 4(f) use) in the immediate area of the Section 4(f) property.
17. The determination that there is no feasible and prudent alternatives is not normally addressed at the draft EIS, EA or preliminary document stage until the results of the formal coordination have been completed.
18. The results of preliminary coordination with the public official having jurisdiction over the Section 4(f) property and with DOI and, as appropriate, the USDA and HUD.

#### Final Evaluation Content:

When the selected alternative involves the use of Section 4(f) land, the Final 4(f) Evaluation will be processed as follows:

1. The Final 4(f) Evaluation may be included, as a separate section, in the FEIS.
2. The Final 4(f) Evaluation may be attached as a separate section of the FONSI.
3. For projects processed as a CE, a separate Final 4(f) Evaluation is required.

#### A Final 4(f) Evaluation shall include the following:

1. Change heading from EA/Draft 4(f) to Final 4(f).
2. All information required for a Draft 4(f) Evaluation.
3. A discussion of the basis for the determination that there are no feasible and prudent alternatives to the use of the Section 4(f) land. The supporting information must demonstrate with the following statement: "there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic and environmental impacts, or community disruption resulting from such alternatives reaches extraordinary magnitudes."
4. A discussion of the basis for the determination that the proposed action includes all possible planning to minimize harm to the Section 4(f) property.
5. A summary of the appropriate formal coordination with the DOI, and as appropriate, the USDA and HUD.
6. Copies of all formal coordination comments received and an analysis and response to any questions raised. Where 6(f) land is involved, the NPS's position on the land transfer should be documented.
7. Concluding statement as follows: "Based upon the above considerations, it is determined that there is no feasible and prudent alternative to the use of land from the (Section 4(f) property) and that the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use."

#### *Programmatic Section 4(f) Evaluations*

Each project will require coordination in the early stages of project development with the Federal, State and/or local agency officials having jurisdiction over the Section 4(f) lands. In the case of non-Federal Section 4(f) lands, the official with jurisdiction will be asked to identify

any Federal encumbrances. Where such encumbrances exist, coordination will be required with the Federal agency responsible for the encumbrance.

For the interests of the DOI, Federal agency coordination will be initiated with the Regional Directors of the USFWS, the NPS, and the Bureau of Reclamation and the Area Directors of the Bureau of Indian Affairs. In the case of Indian lands, there will also be coordination with appropriate Indian Tribal officials.

Before applying any programmatic evaluation to projects requiring an individual bridge permit, the Division Administrator shall coordinate with the U. S. Coast Guard Commander.

Copies of the final written analysis and determinations required under the programmatic Section 4(f) evaluation shall be provided to the officials having jurisdiction over the involved Section 4(f) area and to other parties upon request.

The use of the programmatic evaluation and approval is conditioned upon the satisfactory completion of coordination with the SHPO, the ACHP, and interested persons. Coordination with interested persons, such as the local government, the property owner, a local historical society, or an Indian tribe, can facilitate the evaluation of the historic resource values and mitigation proposals and is therefore highly encouraged.

For historic sites encumbered with Federal interests, coordination is required with the Federal agencies responsible for the encumbrances.

The Programmatic Section 4(f) evaluations may be applied to FHWA projects which meet the following *applicability criteria*:

Bridges:

1. The bridge is to be replaced or rehabilitated with Federal funds.
2. The project will require the use of a historic bridge structure which is on or is eligible for listing on the National Register of Historic Places.
3. The bridge is not a National Historic Landmark.
4. The FHWA Division Administrator determines that the facts of the project match those set forth in the sections of the document concerning Alternatives, Findings and Mitigation.
5. Agreement among the FHWA, the SHPO, and the ACHP has been reached through procedures pursuant to Section 106 of the NHPA.

Parks, Recreational Lands, Wildlife and Waterfowl Refuges:

1. The proposed project is designed to improve the operational characteristics, safety, and/or physical condition of existing highway facilities on essentially the same alignment. This includes "4R" work (resurfacing, restoration, rehabilitation, and reconstruction); safety improvements, such as shoulder widening and the correction of substandard curves and intersections; traffic operation improvements, such as signalization, channelization, and turning or climbing lanes; bicycle and pedestrian facilities, bridge replacements on essentially the same alignment; and the construction

of additional lanes. This programmatic Section 4(f) evaluation does not apply to the construction of a highway on a new location.

2. The Section 4(f) lands are publicly owned public parks, recreation lands, or wildlife and waterfowl refuges located adjacent to the existing highway.
3. The amount and location of the land to be used shall not impair the use of the remaining Section 4(f) land, in whole or in part, for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented in relation to the size, use, and/or other characteristics deemed relevant.

The total amount of land to be acquired from any Section 4(f) site shall not exceed the values in the following Table:

<u>Total Size of Section 4(f) Site</u>	<u>Maximum to be Acquired</u>
less than 10 acres	10 percent of site
10 acres - 100 acres	1 acre
100 acres	1 percent of site

4. The proximity impacts of the project on the remaining Section 4(f) land shall not impair the use of such land for its intended purpose. This determination is to be made by the FHWA in concurrence with the officials having jurisdiction over the Section 4(f) lands, and will be documented with regard to noise, air and water pollution, wildlife and habitat effects, aesthetic values, and/or other impacts deemed relevant.
5. The officials having jurisdiction over the Section 4(f) lands must agree, in writing, with the assessment of the impacts of the proposed project on, and the proposed mitigation for, the Section 4(f) lands.
6. For projects using land from a site purchased or improved with funds under the Land and Water Conservation Fund Act, the Federal Aid in Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Act (Pittman-Robertson Act), or similar laws, or the lands are otherwise encumbered with a Federal interest (e.g., former Federal surplus property), coordination with the appropriate Federal agency is required to ascertain the agency's position on the land conversion or transfer. The programmatic Section 4(f) evaluation does not apply if the agency objects to the land conversion or transfer.
7. This programmatic evaluation does not apply to projects for which an EIS is prepared, unless the use of Section 4(f) lands is discovered after the approval of the final EIS. Should any of the above criteria not be met, this programmatic Section 4(f) evaluation cannot be used, and an individual Section 4(f) evaluation must be prepared.

## Historic Sites

1. The proposed project is designed to improve the operational characteristics, safety, and/or physical condition of existing highway facilities on essentially the same alignment. This includes "4R" work (resurfacing, restoration, rehabilitation, and reconstruction); safety improvements, such as shoulder widening and the correction of substandard curves and intersections; traffic operation improvements, such as signalization, channelization, and turning or climbing lanes; bicycle and pedestrian facilities; bridge replacements on essentially the same alignment; and the construction of additional lanes. This programmatic Section 4(f) evaluation does not apply to the construction of a highway on a new location.
2. The historic site involved is located adjacent to the existing highway.
3. The project does not require the removal or alteration of historic buildings, structures or objects on the historic site.
4. The project does not require the disturbance or removal of archaeological resources that are important to preserve in place rather than to recover for archaeological research. The determination of the importance to preserve in place will be based on consultation with the SHPO and, if appropriate, the ACHP.
5. The impact on the Section 4(f) site resulting from the use of the land must be considered minor. The word minor is narrowly defined as having either a "no effect" or "no adverse effect" (when applying the requirements of Section 106 of the NHPA and 36 CFR Part 800) on the qualities which qualified the site for listing or eligibility on the National Register of Historic Places. The ACHP must not object to the determination of "no adverse effect."
6. The SHPO must agree, in writing, with the assessment of the impacts of the proposed project on and the proposed mitigation for the historic sites.
7. This programmatic evaluation does not apply to projects for which an EIS is prepared, unless the use of Section 4(f) lands is discovered after the approval of the final EIS.

Should any of the above criteria not be met, this programmatic Section 4(f) evaluation cannot be used, and an individual Section 4(f) evaluation must be prepared.

The following *alternatives* must be considered to avoid any use of 4(f) resources. The list is intended to be all-inclusive. The Programmatic Section 4(f) evaluation does not apply if a reasonable alternative is identified that is not discussed below. The project record must clearly demonstrate that each of the alternatives was fully evaluated and it must further demonstrate that all applicability criteria were met before the FHWA Division Administrator concluded that the Programmatic Section 4(f) evaluation applied to the project.

### Bridges:

1. Do nothing.
2. Build a new structure at a different location without affecting the historic integrity of the old bridge, as determined by procedures implementing the NHPA.
3. Rehabilitate the historic bridge without affecting the historic integrity of the structure, as determined by procedures implementing the NHPA.

Parks, Recreational Lands, Wildlife and Waterfowl Refuges:

1. Do nothing.
2. Improve the highway without using the adjacent public park, recreational land, or wildlife and waterfowl refuge.
3. Build an improved facility on new location without using the public park, recreation land, or wildlife or waterfowl refuge.

Historic Sites:

1. Do nothing.
2. Improve the highway without using the adjacent historic site.
3. Build an improved facility on new location without using the historic site.

In order for this Programmatic Section 4(f) evaluation to be applied to a project, each of the following *findings* must be supported by the circumstances, studies, and consultations on the project:

Bridges:

1. Do Nothing. The do nothing alternative has been studied. The do nothing alternative ignores the basic transportation need. For the following reasons this alternative is not feasible and prudent:
  - a. Maintenance: The do nothing alternative does not correct the situation that caused the bridge to be considered structurally deficient or deteriorated. These deficiencies can lead to sudden collapse and potential injury or loss of life. Normal maintenance is not considered adequate to cope with the situation.
  - b. Safety: The do nothing alternative does not correct the situation that causes the bridge to be considered deficient. Because of these deficiencies, the bridge poses serious and unacceptable safety hazards to the traveling public or places intolerable restriction on transport and travel.
2. Build on New Location Without Using the Old Bridge. Investigations have been conducted to construct a bridge on a new location or parallel to the old bridge (allowing for a one-way couplet), but, for one or more of the following reasons, this alternative is not feasible or prudent:
  - a. Terrain: The present bridge structure has already been located at the only feasible and prudent site, i.e., a gap in the land form, the narrowest point of the river canyon, etc. To build a new bridge at another site will result in extraordinary bridge and approach engineering and construction difficulty or costs or extraordinary disruption to established traffic patterns.
  - b. Adverse Social, Economic, or Environmental Effects: Building a new bridge away from the present site would result in social, economic, or environmental impact of extraordinary magnitude. Such impacts as extensive severing of productive farmlands, displacement of a significant number of families or businesses, serious disruption of established travel patterns and access and damage to wetlands may individually or cumulatively weigh heavily against relocation to a new site.

- c. Engineering and Economy: Where difficulty associated with the new location is less extreme than those encountered above, a new site would not be feasible and prudent where cost and engineering difficulties reach extraordinary magnitude. Factors supporting this conclusion include significantly increased roadway and structure costs, serious foundation problems, or extreme difficulty in reaching the new site with construction equipment. Additional design and safety factors to be considered include an ability to achieve minimum design standards or to meet requirements of various permitting agencies such as those involved with navigation, pollution and the environment.
  - d. Preservation of Old Bridge: It is not feasible and prudent to preserve the existing bridge, even if a new bridge were to be built at a new location. This could occur when the historic bridge is beyond rehabilitation for a transportation or an alternative use when no responsible party can be located to maintain and preserve the bridge, or when a permitting authority, such as the Coast Guard requires removal or demolition of the old bridge.
3. Rehabilitation Without Affecting the Historic Integrity of the Bridge. Studies have been conducted for rehabilitation measures, but, for one or more of the following reasons, this alternative is not feasible and prudent:
- a. The bridge is so structurally deficient that it cannot be rehabilitated to meet minimum acceptable load requirements without affecting the historic integrity of the bridge.
  - b. The bridge is seriously deficient geometrically and cannot be widened to meet the minimum required capacity of the highway system on which it is located without affecting the historic integrity of the bridge. Flexibility in the application of the American Association of State Highway and Transportation Officials (AASHTO) geometric standards should be exercised as permitted in 23 CFR Part 625 during the analysis of this alternative.

**Parks, Recreational Lands, Wildlife and Waterfowl Refuges:**

- 1. Do Nothing Alternative. The Do Nothing Alternative is not feasible and prudent because: (a) it would not correct existing or projected capacity deficiencies; or (b) it would not correct existing safety hazards; or (c) it would not correct existing deteriorated conditions and maintenance problems; and (d) not providing such correction would constitute a cost or community impact of extraordinary magnitude, or would result in truly unusual or unique problems, when compared with the proposed use of the Section 4(f) lands.
- 2. Improvement Without Using the Adjacent Section 4(f) Lands. It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management techniques (including, but not limited to, minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures) because implementing such measures would result in: (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; or (b) substantially increased roadway or structure cost; or (c) unique engineering, traffic, maintenance,

or safety problems; or (d) substantial adverse social, economic, or environmental impacts, or (e) the project not meeting identified transportation needs; and (f) the impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative.

3. Alternatives on New Location. It is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment because (a) the new location would not solve existing transportation, safety, or maintenance problems; or (b) the new location would result in substantial adverse social, economic, or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of established travel patterns, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) lands); or (c) the new location would substantially increase costs or engineering difficulties (such as an inability to achieve minimum design standards, or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, and the environment); and (d) such problems, impacts, costs, or difficulties would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative.

#### Historic Sites:

1. Do Nothing Alternative. The Do Nothing Alternative is not feasible and prudent because: (a) it would not correct existing or projected capacity deficiencies; or (b) it would not correct existing safety hazards; or (c) it would not correct existing deteriorated conditions and maintenance problems; and (d) not providing such correction would constitute a cost or community impact of extraordinary magnitude, or would result in truly unusual or unique problems, when compared with the proposed use of the Section 4(f) lands.
2. Improvement Without Using the Adjacent Section 4(f) Lands. It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation system management techniques (including, but not limited to, minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures) because implementing such measures would result in: (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; or (b) substantially increased roadway or structure cost; or (c) unique engineering, traffic, maintenance, or safety problems; or (d) substantial adverse social, economic, or environmental impacts, or (e) the project not meeting identified transportation needs; and (f) the impacts, costs, or problems would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative.



3. Alternatives on New Location. It is not feasible and prudent to avoid Section 4(f) lands by constructing on new alignment because (a) the new location would not solve existing transportation, safety, or maintenance problems; or (b) the new location would result in substantial adverse social, economic, or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of established travel patterns, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) lands); or (c) the new location would substantially increase costs or engineering difficulties (such as an inability to achieve minimum design standards, or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, and the environment); and (d) such problems, impacts, costs, or difficulties would be truly unusual or unique, or of extraordinary magnitude when compared with the proposed use of Section 4(f) lands. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during the analysis of this alternative.

*Measures to Minimize Harm:*

Bridges: This Programmatic Section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred when:

1. For the bridges that are to be rehabilitated, the historic integrity of the bridge is preserved, to the greatest extent possible, consistent with unavoidable transportation needs, safety, and load requirements.
2. For bridges that are to be rehabilitated to the point that the historic integrity is affected or that are to be moved or demolished, the FHWA ensures that, in accordance with HAER standards, or other suitable means developed through consultation, fully adequate records are made of the bridge.
3. For bridges that are to be replaced, the existing bridge is made available for an alternative use provided a responsible party agrees to maintain and preserve the bridge; and
4. For bridges that are adversely affected, agreement among the SHPO, ACHP, and FHWA is reached through the Section 106 process of the NHPA on measures to minimize harm and those measures are incorporated into the project. This Programmatic Section 4(f) evaluation does not apply to projects where such an agreement cannot be reached.

Parks, Recreational Lands, Wildlife and Waterfowl Refuges: This programmatic Section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. This has occurred when the officials having jurisdiction over the Section 4(f) property have agreed, in writing, with the assessment of impacts resulting from the use of the Section 4(f) property and with the mitigation measures to be provided. Mitigation measures shall include one or more of the following:

1. Replacement of lands used with lands of reasonably equivalent usefulness and location and of at least comparable value.
2. Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities.
3. Restoration and landscaping of disturbed areas.
4. Incorporation of design features (e.g., reduction in right-of-way width, modifications to the roadway section, retaining walls, curb and gutter sections, and minor alignment shifts); and habitat features (e.g., construction of new, or enhancement of existing, wetlands or other special habitat types); where necessary to reduce or minimize impacts to the Section 4(f) property. Such features should be designed in a manner that will not adversely affect the safety of the highway facility. Flexibility in the application of AASHTO geometric standards should be exercised, as permitted in 23 CFR 625, during such design.
5. Payment of the fair market value of the land and improvements taken or improvements to the remaining Section 4(f) site equal to the fair market value of the land and improvements taken.
6. Such additional or alternative mitigation measures as may be determined necessary based on consultation with the officials having jurisdiction over the parkland, recreation area, or wildlife or waterfowl refuge.

If the project uses Section 4(f) lands that are encumbered with a Federal interest (see Applicability), coordination is required with the appropriate agency to ascertain what special measures to minimize harm, or other requirements, may be necessary under that agency's regulations. To the extent possible, commitments to accomplish such special measures and/or requirements shall be included in the project record.

**Historic Sites:** This programmatic Section 4(f) evaluation and approval may be used only for projects where the FHWA Division Administrator, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm. Measures to minimize harm will consist of those measures necessary to preserve the historic integrity of the site and agreed to, in accordance with 36 CFR Part 800 by the FHWA, the SHPO, and as appropriate, the ACHP.

#### *Approval Procedure*

This Programmatic Section 4(f) approval applies only after the FHWA Division Administrator has:

1. Determined that the project meets the applicability criteria set forth above
2. Determined that all of the alternatives set forth in the Findings section have been fully evaluated
3. Determined that the findings in this document (which conclude that there are no feasible and prudent alternatives to the use of the historic bridge; publicly owned public park, recreation area, or wildlife or waterfowl refuge; or land from a historic resource) are clearly applicable to the project
4. Determined that the project complies with the Measures to Minimize Harm section of this document

5. Determined that the coordination called for in this programmatic evaluation has been successfully completed
6. Assured that the measures to minimize harm will be incorporated in the project
7. Documented the project file clearly identifying the basis for the above determinations and assurances

The following steps briefly outline the procedure to be followed in order to complete the Programmatic Section 4(f) requirements:

*Categorical Exclusion - historic bridges and minor amounts of land from historic sites:*

A report which contains all of the data required to satisfy Section 106 requirements as well as the information necessary for the FHWA Division Administrator to determine the programmatic 4(f) evaluation applied will be prepared. The one document will be used to satisfy both historic procedures and 4(f) requirements. The document when first submitted should be called Section 106 documentation since the first step necessary in the programmatic 4(f) process is to reach agreement through the Section 106 procedures. This report will be reviewed for consistency with Section 106 requirements as well as the programmatic 4(f) evaluation requirements (i.e., that there are no feasible and prudent alternatives to the taking of the historic bridge, etc).

Once the form and content are acceptable to the FHWA and after review by the SHPO, the report will be sent by the FHWA to the ACHP. When the Section 106 process is satisfactorily completed (probably culminating in a MOA), the Division Administrator can then make the determination that the programmatic Section 4(f) applies.

At this point additional data to support the determination that the project falls within the guidelines for a CE may be submitted. The data used for the Section 106 and programmatic 4(f) evaluation as well as the MOA must be attached to the CE information. Only that information not already contained in the Section 106, programmatic 4(f) evaluation needs to be discussed. However, reference should be made to the attachments, where necessary, for clarity and conformance with CE documentation requirements. For example, the project description, alternatives discussion, etc., which would normally be contained in the CE can be handled by referencing the discussion in the Section 106, programmatic 4(f) evaluation. This will avoid repetitive statements and discussions and therefore, the work involved in preparing the CE documentation.

*Categorical Exclusion - minor amounts of land from public parks, recreation areas and wildlife and waterfowl refuges:*

The report contains the data necessary to satisfy the programmatic 4(f) as well as the CE. This information should be submitted as one document.

*Environmental Assessment (EA) - historic bridges and minor amounts of land from the historic sites:*

In the case of a project which will be processed as an EA, all of the information necessary for inclusion in the Section 106, programmatic 4(f) evaluation may be contained in the EA. In other words, one document will serve a threefold purpose. First it will provide information to reach agreement among the FHWA, the SHPO, and the ACHP through procedures pursuant to Section 106 of the NHPA. Second, it will serve as the information necessary for the Division Administrator to determine the programmatic 4(f) evaluation applied. Third, it will document the project as falling within the guidelines of an EA.

Remember, Section 106 procedures must be satisfied first, then the Division Administrator determines the programmatic Section 4(f) evaluation applies, then concurrence may be received on the EA.

*Environmental Assessment (EA) - minor amounts of land from public parks, recreation areas and wildlife and waterfowl refuges:*

The report contains the data necessary to satisfy the programmatic 4(f) as well as the EA. This information should be submitted as one document.

*Finding of No Significant Impact (FONSI) - all programmatic 4(f)'s:*

When requesting a FONSI no further reference need be made to the programmatic 4(f).

*Environmental Impact Statement (EIS) - historic bridges:*

The same procedure may be used for projects processed as a full EIS. All necessary information will be included in one document to comply with Section 106 procedures, the programmatic 4(f) evaluation and to document the project as falling within the guidelines of a draft EIS. As in the case with an EA, Section 106 must be satisfied first followed by the determination that the programmatic 4(f) evaluation applies, then the draft EIS may be approved for circulation.

*Environmental Impact Statement (EIS) - minor amounts of land from historic sites and minor amounts of land from public parks, recreation areas and wildlife and waterfowl refuges:*

As stated previously, these programmatic 4(f)'s do not apply to projects for which an EIS is being prepared, unless the use of the Section 4(f) lands is discovered after the approval of the final EIS.

For further guidance on Section 4(f) see:

<http://environment.fhwa.dot.gov/guidebook/chapters/v2ch15.htm>